

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**STUDENTS FOR JUSTICE IN
PALESTINE AT PITT,**

Plaintiff,

v.

**UNIVERSITY OF PITTSBURGH,
JOAN GABEL, MARLIN NABORS,
KARIN ASHER, DaVAUGHN
VINCENT-BRYAN, MATTHEW
LANDY, and JAMEY MENTZER,
all in their official and individual
capacities,**

Defendants.

**CIVIL ACTION NO. 2:25-cv-00524-NR
Judge J. Nicholas Ranjan**

DEFENDANTS' MOTION FOR SPOILIATION SANCTIONS UNDER RULE 37(e)

Pursuant to Federal Rule of Civil Procedure 37(e), Defendants University of Pittsburgh (“Pitt” or “the University”), Joan Gabel, Marlin Nabors, Karin Asher, DaVaughn Vincent-Bryan, Matthew Landy, and Jamey Mentzer hereby move this Court for sanctions against Plaintiff Students for Justice in Palestine at Pitt (“SJP”) for failure to preserve evidence.

Acting in bad faith, SJP has intentionally failed to preserve evidence that this Court has concluded is highly relevant to SJP’s request for a preliminary injunction and which is likewise highly relevant to SJP’s broader claims at issue in this litigation. SJP’s failure to preserve this evidence has unfairly prejudiced Defendants’ ability to defend this case. To remedy SJP’s conduct, and to deter future such conduct, Defendants ask that this Court sanction SJP under Rule 37(e) by: (1) denying SJP’s request for a preliminary injunction; (2) and dismissing SJP’s claims in their entirety; (3) striking SJP’s request for attorneys’ fees; and/or (4) drawing adverse inferences against SJP.

A memorandum of law in support of this Motion is attached hereto and incorporated by reference herein.

WHEREFORE, Defendants respectfully request that this Court:

- (1) deny SJP's request for a preliminary injunction;
- (2) dismiss SJP's Complaint in its entirety, with prejudice;
- (3) strike SJP's request for attorney fees; and/or
- (4) draw adverse inferences against SJP.

Dated: August 19, 2025

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By: /s/ Joshua W. B. Richards

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Spoliation Sanctions Under Rule 37(e) was filed via the Court's electronic filing system and served via electronic mail on the following counsel of record:

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Attorneys for Plaintiff

Dated: August 19, 2025

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